

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Sprint Communications Company L.P. (U-5112-C) to Withdraw the Provision of Sprint ION® Services and to Transfer California Sprint ION Customers' Local Service.

Application 01-10-040
(Filed October 29, 2001)

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

Summary

Sprint Communications Company, L.P. (Sprint) has filed an application seeking Commission authority to withdraw its provision of Sprint ION (Integrated On-demand Network) services in California, and to transfer the local voice components of Sprint ION customers' service to other local service providers. Sprint seeks expedited treatment of the application in order to manage its Sprint ION market withdrawal on a nationwide basis and to ensure that customers' service is not impaired during the transition.

Three Sprint ION customers filed timely protests. Briefly summarized, they make these points:

- (1) The Commission should investigate and mitigate the incumbent local exchange companies' unfair business practices, practices which have led to Sprint's request to withdraw;
- (2) Sprint should continue to provide ION service until the Commission completes that investigation;

(3) Withdrawal of ION service would constitute breach of Sprint's contracts with customers, for which customers should be reimbursed: (a) for their increased costs to get equivalent service elsewhere; and (b) for lost wages and out of pocket expenses to set up, and later to replace, ION services; and

(4) Sprint's proposed ratesetting categorization is improper if it leads to expedited treatment without hearing.

Pursuant to Rules 6(a)(3) and 6.3 of the Rules of Practice and Procedure, I am issuing this scoping memo and ruling to confirm the Commission's preliminary determination on proceeding category and need for hearing, and to establish the issues and timetable and designate the presiding officer.

Scope of the Proceeding

This proceeding will address the following issue: Should Sprint be authorized to withdraw its provision of Sprint ION services in California, and to transfer the local voice components of Sprint ION customers' service to other local service providers?

Need for Hearing

In Resolution ALJ 176-3076, the Commission preliminarily determined that no hearing is needed. Sprint recommends in its application that no hearings be held. Two of the three protestants ask for hearings. However, to the extent that the protestants raise factual issues, those issues are either outside the scope of this proceeding or relate to claims for damages, which the Commission lacks jurisdiction to award. I therefore determine that no evidentiary hearing is needed and confirm the preliminary determination.

Timetable

Sprint has requested the Commission expedite its treatment of the application in order to manage its Sprint ION market withdrawal on a nationwide basis and to ensure that customers' service is not impaired during the transition. The schedule will be:

January, 2002	Proposed decision issued for public review and comment.
-----	Comments due on proposed decision (20 days after proposed decision issued).
-----	Reply comments on proposed decision (5 days following comments).
February, 2002	Commission meeting to consider proposed decision.

In no event will resolution exceed 18 months from the date the application was filed.

Categorization

In Resolution ALJ 176-3076, the Commission preliminarily determined that this is a ratesetting proceeding. I concur that this is a ratesetting proceeding and confirm the preliminary determination.

Presiding Officer

Administrative Law Judge James McVicar is designated as the presiding officer (Rule 6(a)(3)).

IT IS RULED that:

1. The issues to be considered are as described in this ruling.
2. No hearing is needed.

3. The timetable for the proceeding is as set forth herein.

4. This is a ratesetting proceeding.
5. Administrative Law Judge James McVicar is designated as the presiding officer.

Dated January 4, 2002, at San Francisco, California.

/s/ LORETTA M. LYNCH
Loretta M. Lynch
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Scoping Memo and Ruling on all parties of record in this proceeding or their attorneys of record.

Dated January 4, 2002, San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.